



DESERT AND MOUNTAIN CONSERVATION AUTHORITY

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July 17, 2009

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California Department of Fish and Game, Region 5
4949 Viewridge Avenue
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Aaron O. Allen
U.S. Army Corps of Engineers
Ventura County Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

**Comments on Army Corps of Engineers and the California Department of Fish and Game
on the Draft Joint Environmental Impact Statement and Environmental Impact Report
for Newhall Ranch Resource Management and Development Plan and Spineflower
Conservation Plan (SCH No. 2000011025)**

Dear Mssrs. Bedford and Allen:

The Desert and Mountain Conservation Authority (DMCA) jurisdiction includes the majority of the upper Santa Clara River watershed. The Draft Joint Environmental Impact Statement and Environmental Impact Report (Draft EIS-EIR) is thorough and accurate. A project-wide section 404 permit, Candidate Conservation Agreement, CESA permit, and Master Streambed Alteration Agreement benefits all if impact avoidance drives the final decision making.

The public interest without question is best served by maximizing the protection of Santa Clara River 100-year flood plain, the amount of linear feet of tributary drainage, occupied San Fernando Valley spine flower habitat, and increasing the number bridges versus culverts. The DMCA concurs with the Draft EIS-EIR that the obvious environmentally superior alternative is Alternative 7. Alternative 7 requires avoidance of significant impacts. This avoidance will greatly reduce mitigation and infrastructure costs. With Alternative 7, two percent take of the State-listed San Fernando Valley spine flower is acceptable given the project's permanent open space benefits.

The key feature of Alternative 7 is its avoidance of wholesale drainage course impacts. All of the other alternatives would grade virtually all of the tributary drainages to make their grades match preferred development grades. Although the artificially created channels might be wider than the existing channels, they still all would require numerous drop structures and

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armoring. Only Alternative 7 would adequately implement sound geomorphological, ground water replenishment, and conservation biology practices by pulling all development and bank stabilization out of the 100-year flood plain of the Santa Clara River Tributary. Likewise, Alternative 7 employees a maximum number of bridges over drainages rather than artificial and constricting culverts.

The multi-thousand-acre development area should have enough room to allow for these prudent impact avoidance modifications and still easily result in an economically feasible project.

Because of the Draft EIS-EIR findings, the DMCA can support partial build-out of the prior Specific Plan approval only if a section 404 permit, Candidate Conservation Agreement, CESA permit, and Master Streambed Alteration Agreement are issued to permit the regulated activities under the much adjusted footprint of Alternative 7. We urge the Corps and CDFG to limit their actions and permits within the parameters defined by Alternative 7. By definition, alternatives in an EIR must be feasible to be considered.

Please address any questions to Paul Edelman of our staff at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

JIM DODSON
Chairperson